

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

*In re Cedar Shake and Shingle Antitrust  
Litigation*

CASE No. 2:19-cv-00288-MJP

**ORDER ON MOTION TO STAY  
DISCOVERY**

This Document Relates to:  
ALL CLASS ACTIONS

The above-entitled Court, having received and reviewed the parties' LCR 37 Submission Regarding Defendants' Request to Stay Discovery Pending Motions to Dismiss (Dkt. No. 108), all attached declarations and exhibits, and relevant portions of the record, rules as follows:

IT IS ORDERED that the request to stay discovery is DENIED.

Defendants present three primary reasons in support of their request to stay discovery pending the Court's ruling on their motions to dismiss.

First, they argue that the Court's recent ruling in a related case (S&W Forest Products v. CSSB, C19-202MJP) suggests "that Defendants will prevail on their motions to dismiss." Dkt. No. 108 at 7. The Court is not disposed to speculate in advance either that Defendants will prevail on these motions (which are not even ripe at this juncture) or that Plaintiffs will not be given an opportunity to amend in the event that Defendants do prevail. The Court's priority


1 remains the steady progress of this litigation towards resolution or trial, which includes a  
2 steadfast adherence to the case schedule already agreed to by the parties.

3 Second, Defendants assert a “substantial burden” as result of being required to engage in  
4 discovery. The Court is at a loss to understand how the burden on Defendants is any greater at  
5 this point than it was when the case schedule was initially agreed upon and put into place.  
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7 Third, Defendants make the representation that the parties will be able to swiftly get back  
8 on schedule following the rulings on the motions to dismiss. The Court is not persuaded – more  
9 than 30 years of case management has taught that the litigation process, once interrupted, does  
10 not resume promptly or easily. The most reliable way to assure compliance with the existing  
11 agreed case schedule is to remain on the existing agreed case schedule.  
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13 For the reasons cited above, Defendants’ request for a stay of discovery will be denied.  
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15 Dated this 31st day of October, 2019

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18 Marsha J. Pechman  
19 United States Senior District Judge  
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